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09/818,554	03/28/2001	Masanori Kubo	1081.1112	9445

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,554

Applicant(s)

KUBO, MASANORI

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ~~THREE~~ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 1 and 15 are amended. Claims 6, 16-18 and 20 are cancelled. Claims 1, 3-5 and 7-15 are presented for further examination.

2> This is a non-final rejection.

Response to Arguments

3> Applicant's arguments with respect to claims 1, 3-5 and 7-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4> Claims 1, 3-5 and 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 states in part: "immediately connecting said client" and "automatically connecting said client...with said server at time when said server becomes accessible according to a condition, which is judged by said client...". The claim language is contradictory. The feature of automatically connecting a client suggests that the client need not take any further action to connect to the server; however, the fact that the

client must judge whether the server has become accessible contravenes the “immediate” and “automatic” connection functionality.

Applicant's specification does not provide any description that would resolve this conflict in functionality. Thus, for the purposes of this action, the Office will not read the limitation that the client judges when the server becomes accessible into the claim as doing so would conflict with other limitations within the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6> Claims 1, 7 and 14-15 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yano et al, U.S Patent No. 6,088,737 [“Yano”], in view of Lee, U.S Patent No. 4,788,715, in further view of Sashihara, U.S Patent No. 6,449,357.

7> As to claim 1, Yano discloses a service provision method for service provision from a server connected with a client via a network to a user through said client, comprising:

judging whether said server becomes accessible by comparing an access number and a submitted access number in response to an access request from said client to said server, said access number being incremented responsive to each request to said server and said submitted access number being incremented responsive to each completion of providing a service from the said server [Figure 2 | Figure 3 | Figure 6 | column 8 «lines 30-32» where : Yano does not explicitly disclose incrementing the access numbers. However, as is clearly seen in the figures, Yano discloses updating the total number of accesses by clients; therefore, the incrementing of these numbers is inherent to the update process];

immediately connecting said client with said server when it is judged accessible [Figure 2 «item 202» | claim 13 where : image transmission to the client represents that the client has been connected to the server];

suspending said access request and displaying information of a number of accesses to said server on said client, said information of the number of accesses directly or indirectly indicating a number of uncompleted requests according to said access number and said submitted access number, when judged inaccessible [Figure 2 «item s203» | Figure 4 | column 6 «lines 60-67» | column 8 «lines 53-67» : “waiting queue”];

displaying an updated said information of the number of accesses being updated at a fixed time interval on said client after displaying said information of the number of accesses [column 22 «lines 12-33»]; and

connecting said client whose access request is suspended with said server at a time when said server becomes accessible, which is judged by said client, after displaying said information of the number of accesses [column 8 «lines 53-67» : “queue”].

Yano does not expressly disclose *automatically* connecting a client *according to a condition that said access number becomes less than or equal to said submitted access number*. Yano also does not expressly disclose that the fixed time interval is varied according to said information of the number of accesses.

8> It should be noted that Yano discloses utilizing a waiting queue that suspends user requests to the server when the server is servicing a predetermined limit of accesses [column 8 «lines 53-67»]. User requests are placed in the queue in the order that requests are received. The functionality of waiting queues, such as the one disclosed in Yano, are well known in the art. By its nature, a queue suspends requests until the server is ready to handle them; when the server is capable (i.e., when a user has left the server), it can handle the requests in the order that they are stored in the queue. The first user in the queue can then be connected to the server when it is available.

Further, Lee discloses automatically connecting a client to a server when the server becomes accessible according to a condition that said access number becomes less than or equal to said submitted access number [Figure 2 | Figure 4 | | column 4 «lines 39-50» | column 6 «lines 13-40»]. That is, when the queue position number is equal to the number that can be serviced the server, the user in the queue is connected to the server. It would have been obvious to incorporate Lee's teachings with Yano's information processing system and wait queue functionality. Yano's wait queue implicitly contains the logic claimed in the limitations and Lee explicitly teaches its advantages, to handle client requests to servers in a fair and reasonable manner and to ensure that all clients in the queue are handled.

9> As to the fixed time interval feature, Sashihara discloses displaying information of the number of accesses being updated at a fixed time interval varied according to said information of the number of accesses [column 9 «lines 11-46»]. Sashihara discloses that the updates can be varied depending on the “current queuing number” as well as other factors based on the number of preceding people in the queue.

It would have been obvious to one of ordinary skill in the art to incorporate Sashihara’s fixed time interval feature into Yano’s queuing system such that users can receive periodic updates based on how many more people are in the queue [see Sashihara, column 9 «lines 11-15»]. One would have been motivated to provide such a combination to increase the Yano’s queuing and update functionality.

10> As to claim 7, Yano discloses a service provision method of claim 1 wherein said information of the number of accesses displayed on said client includes said access number and said submitted access number [column 6 «lines 54-67» | column 8 «lines 53-67» : where it is obvious that Yano’s queue would utilize the numbers].

11> As to claim 14, Yano discloses a service provision method of claim 1 further comprising displaying said information of the number of accesses for said client accessing to said server upon determining that said server is inaccessible [Figure 2 «items s201, s203»].

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12> As to claim 15, as it does not teach or further define over the limitations of claim 1, claim 15 is rejected for similar reasons set forth for claim 1, supra.

13> As to claims 3-5, 8-10, 12 and 13, see previous Office actions.

14> Claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, Sashihara and Lee, in view of Wayne et al, U.S Patent No. 5,006,983 ["Wayne"].

15> Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, Sashihara and Lee, in view of MacDonald et al, U.S Patent No. 5,867,572 ["MacDonald"].

16> Claim 5 is rejected under 35 U.S.C § 103(a) as being unpatentable over Yano, Sashihara and Lee, in view of Sundaresan et al, U.S Patent Publication 2002|0101881 ["Sundaresan"].

17> Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Yano, Sashihara and Lee, in view of Whitt, U.S Patent No. 6,023,681.

18> Claims 9 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, Sashihara and Lee in view of Phaal, U.S Patent No. 6,006,269.

19> Claims 10 and 11 are rejected under 35 U.S.C 103(a) as being unpatentable over Yano, Sashihara and Lee, in view of Suzuki et al, U.S Patent No. 6,470,323 ["Suzuki"].

20> Claim 12 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, Sashihara and Lee, in view of Suzuki, in further view of MacDonald.

21> Claim 13 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, Sashihara and Lee, in view Suzuki in further view of Sundaresan.

22> Claims 1, 7, 8 and 14-15 are rejected under 35 U.S.C §103(a) as being unpatentable over Bondarenko et al, U.S Patent No. 6,389,028 ["Bondarenko"], in view of Sashihara, in further view of Lee.

23> As to claim 1, Bondarenko discloses a service provision method for service provision from a server connected with a client via a network to a user through said client, comprising:
judging whether said server becomes accessible by comparing an access number and a submitted access number in response to an access request from said client to said server, said access number being incremented responsive to each request to said server and said submitted access number being incremented responsive to each completion of providing a service from the said server [Figure 2 | column 7 «lines 56-67» | column 8 «line 57» to column 9 «line 29» where : Bondarenko does not explicitly disclose incrementing the access numbers. However, as is clearly seen in the figure and specification, Yano discloses updating the total calls ahead of the user and displaying the current place in line within the queue; as is clear to

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one skilled in the art, the incrementing of these numbers is inherent to the update process (every time a new user is added or taken out of the queue)];

immediately connecting said client with said server when it is judged accessible [Figure 2 | column 9 «lines 18-54» where : it is implied that a user will be immediately connected to the server when it is his place in the line (i.e., no calls ahead of the user)];

suspending said access request and displaying information of a number of accesses to said server on said client, said information of the number of accesses directly or indirectly indicating a number of uncompleted requests according to said access number and said submitted access number, when judged inaccessible [Figure 2 | column 7 «lines 56-67» | column 8 «line 57» to column 9 «line 29»];

displaying an updated said information of the number of accesses being updated at a fixed time interval on said client after displaying said information of the number of accesses [column 8 «line 57» to column 9 «line 29»]; and

connecting said client whose access request is suspended with said server at a time when said server becomes accessible according to a condition, which is judged by said client, after displaying said information of the number of accesses [Figure 2 | column 11 «lines 31-67»].

Bondarenko does not expressly disclose *automatically* connecting a client *according to a condition that said access number becomes less than or equal to said submitted access number*.

Bondarenko also does not expressly disclose that the fixed time interval is varied according to said information of the number of accesses.

24> It should be noted that Bondarenko discloses utilizing a waiting queue that suspends user requests to the server when the server is servicing a predetermined limit of accesses [Figure 2 | column 7 «lines 56-67» : queue]. User requests are placed in the queue in the order that requests are received. The functionality of waiting queues, such as the one disclosed in Bondarenko, are well known in the art. By its nature, a queue suspends requests until the server is ready to handle them; when the server is capable (i.e., when a user has left the server), it can handle the requests in the order that they are stored in the queue. The first user in the queue can then be connected to the server when it is available.

Further, Lee discloses automatically connecting a client to a server when the server becomes accessible according to a condition that said access number becomes less than or equal to said submitted access number [Figure 2 | Figure 4 | | column 4 «lines 39-50» | column 6 «lines 13-40»]. That is, when the queue position number is equal to the number that can be serviced the server, the user in the queue is connected to the server. It would have been obvious to incorporate Lee's teachings with Bondarenko's information processing system and wait queue functionality. Bondarenko's wait queue implicitly contains the logic claimed in the limitations and Lee explicitly teaches its advantages, to handle client requests to servers in a fair and reasonable manner and to ensure that all clients in the queue are handled.

25> As to the fixed time interval feature, Sashihara discloses displaying information of the number of accesses being updated at a fixed time interval varied according to said information of the number of accesses [column 9 «lines 11-46»]. Sashihara discloses that the

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updates can be varied depending on the “current queuing number” as well as other factors based on the number of preceding people in the queue.

It would have been obvious to one of ordinary skill in the art to incorporate Sashihara's fixed time interval feature into Bondarenko's queuing system such that users can receive periodic updates based on how many more people are in the queue [see Sashihara, column 9 «lines 11-15»]. One would have been motivated to provide such a combination to increase the Bondarenko's queuing and update functionality.

26> As to claim 7, Bondarenko discloses wherein said information of the number of accesses displayed on said client includes said access number and said submitted access number [Figure 2].

27> As to claim 8, Bondarenko discloses wherein when said information of the number of accesses is displayed on said client, an estimated time of when said server becomes accessible, which is obtained according to a time varied condition of said information of the number of accesses, is displayed [Figure 2 | column 9 «lines 50-54»].

28> As to claim 14, Bondarenko discloses displaying said information of the number of accesses for said client accessing to said server upon determining that said server is inaccessible [Figure 2 | column 8 «line 57» to column 9 «line 6»].

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29> As to claim 15, as it does not teach or further define over the limitations of claim 1, claim 15 is rejected for similar reasons set forth for claim 1, *supra*.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faber et al, U.S Patent No. 6.519.570;

Dowling, U.S Patent No. 6.845.361;

Srinivasan, U.S Patent No. 6.996.603.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SUPERVISORY PATENT EXAMINER